

**CITY OF FITCHBURG
CONSERVATION COMMISSION
DRAFT MEETING MINUTES**

TUESDAY, MAY 26, 2009

COMMISSIONERS IN ATTENDANCE: Mike Donnelly, Harry Karis, John Koutonen (vice-chairman), Kevin Sanders

STAFF IN ATTENDANCE: Mike O'Hara

CALL TO ORDER: Meeting called to order at 6:02 p.m. in the Veteran's Room, First Floor, City Hall.

PUBLIC HEARINGS:

Notice of Intent - "Balsam Heights" 20-lot subdivision, Fisher Rd. (cont'd from 4-28-09)

Brian Milisci, Whitman & Bingham asked for a continuance. Planning Board had discussed and agreed upon conditions at last week's meeting. Waiting on final decision to be filed. Then W&B will make any needed changes to the plan. Draft of proposed Planning Bd. conditions distributed. Commission voted to continue to June meeting.

Amended Notice of Intent - Callahan, two single-family dwellings, adjacent to 125 Sanborn St.

Tim Beauchemin, P.E. & Mr. Callahan present.

Tim B presented plan revised 5-9-09 showing parking for the existing multifamily building and a revised Alternatives Analysis and a Financial Feasibility Analysis. Abutters had been notified again.

Plan showed washed stone along edge of paved area for infiltration -- 12 feet wide & 12 feet deep.

Revised plan was approved by ZBA at their last meeting.

Motion made & seconded to issue an Amended OOC with the revised plan. Vote unanimous.

OTHER BUSINESS:

Benjamin Bldrs., Victoria Lane - Certificate of Compliance (cont'd)

Brian Milisci, Whitman & Bingham and Gary Lorden present.

Brian brought road & utility as-built plans and a revised letter attesting that the detention basin was built in general accordance with the approved plan.

John K asked about the status of the open space.

Mike D said that issue was already decided in the settlement with the Planning Board.

Mike D said that if Tom Starr were here, he'd ask whether W&B would clearly certify that everything was done according to the NOI.

John K: Is the slope stabilized?

Ian Catlow, 85 Victoria Lane brought pictures. Is a P.E. Two big issues: slope stability issue, & there's no vegetation cover. Rivulets and the recent fire has exacerbated these conditions. The top of the hill is rounding off.

Brian M. We aren't signing off on the slopes.

Ian K – what is our recourse at this time? To go to court.

Gary L: he doesn't feel there is a problem – that slope has been there for four years.

Kevin: if erosion on the slopes, that indicates that the disturbed surface has not been stabilized.

Mike D said that if the engineer would sign off that the slopes are stable, that would affect their decision.

Kevin: if the slope isn't in the buffer zone, it's not under our jurisdiction. Was it accepted by the city?

Mike O: Based on the recommendation of the city engineer, yes.

Kevin: we can bring them back in under the Erosion Control Ordinance, but we can't enforce slope under our Order of Conditions.

Mike D: if the slope erodes, it goes into the wetlands

Commission agreed to hold a site walk on Monday, June 8 at 6:00 p.m. Item continued to June meeting.

540 Mt. Elam Rd. - Encroachments at Coggshall Park / Bird Sanctuary (cont'd from April 28)
Atty. Barrett, Asst. City Solicitor present. Neither Mr. Bouchard or Atty. Watts were there.

Commission reviewed aerial photographs from 1989 & 1994. The encroachment into the Conservation Commission parcel was not there at those times. Bouchard purchased the property in 1983 according to deeds. Encroachment into ConCom parcel estimated roughly at 3,000 sq. ft.

Mike D has estimated the # of trees gone based on density of surrounding area. He has estimate of economic loss.

Agreed: Atty. Barrett will send letter to Bouchard – proof from aerial photos of trespass during his ownership, remove non-native plants, remove tree fort, harrow lawn area, halt trespass in future. There will be further discussion about replacing economic loss to city.

Item continued to next month.

Modification -- Bridle Cross Estates - East side of Rollstone Road

Bill Hannigan, Hannigan Engineering presented history of the development. In 2004 OOC approved for 86 units on this side of Rollstone Road. Showed a wetlands crossing, which would have needed a Sec. 410 Water Quality Cert. Bovenzi did not own abutting property to the North (Shaw) at that time. After MEPA review in 2005 they revised road layout to eliminate crossing. City of Leominster had recommended this. Road layout avoids wetland, goes onto abutting property (n/f Shaw) which Bovenzi now owns.

Bill: Proposing minor modifications:

Changes to road layout & building type (will be similar to Liberty Commons, near Wal-Mart), changed building footprint, less impervious area (reduced by 1.5 acre), more & smaller detention basins provided, smaller pipe sizes, now all development is out of "Outstanding Resources Waters" & Riverfront area. Brings plan into compliance with MEPA approval

Mike D asked about improvement to Oak Hill water tank – there was a moratorium at one time, what improvements were done?

DS: improvements to size of some of the lines. He understood there was sufficient capacity now. Water Dept. has raised concern with whether single service to a building or multiple services to each unit, but no concern raised about sufficient water supply.

Motion made & seconded to approve as minor modification. Vote unanimous.

Letter of Modification, with reference to previous OOC, to be recorded at Registry.

The current Extension Permit on the development is good until 5-29-2010.

Extension Permits

Commission approved the following

#155-519 Cholak, Ashburnham Hill Rd. -- Extension to June 5, 2012

#155-465 Chamberlain Hill condos -- Extension to 5-29-2012

OTHER BUSINESS:

Commission informed about preliminary proposal to install large scale array of solar panels on Fitchburg Airport property. Site is in flood plain – will need to compensate for lost flood storage.

Demolition of FG&E coal gasification plant on Sawyer Passway will be starting soon.

401 Water Quality application rec'd from Nat'l Grid for replacement of circuits and maintenance of cross-country powerlines from Sterling to Fitchburg. Portion in Fitchburg runs between Fifth Mass. Tpk. & Rt. 2. They are exempt from filing under Wetlands Protection Act, but needs Section 410 permit. Commission reviewed plan.

Re: ConCom Wetland boundary markers -- Price quotes obtained. Commission decided to order 100 3" x 5" signs initially at cost of \$595 plus \$55 set up charge. They will recover cost by charging applicants.

Check into whether JCJ ever requested extension.

Invite 323 Princeton Rd. to next meeting.

Minutes of April meeting approved.

Motion made & seconded to adjourn. Vote unanimous.

Meeting adjourned: 8:03 p.m.

Next meeting: June 30, 2009

Approved: